

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT A. WATZKA,

Plaintiff,

Case No. 7:24-cv-06156-NSR

-against-

NOTICE OF MOTION

ADAMS FAIRACRE FARMS, INC.,

Defendant.
-----X

F.R.C.P. RULE 12(b)(6) MOTION TO DISMISS

MEMO ENDORSED

Motion By: Defendant, Adams Fairacre Farms, Inc. ("Defendant"), by and through its attorneys, Youngwirth Law PLLC

Date, Time and Place of Hearing: To be Determined by the Court at the United States District Court, Southern District of New York, 300 Quarropas St. White Plains, NY 10601-4150, on a date and at a time designated by the Court.

Supporting Papers: Attorney Declaration of Brooke D. Youngwirth, Esq., supporting exhibits, and Memorandum of Law.

Nature of Action: Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101, et seq.; the Family Medical Leave Act (FMLA), 29 U.S.C. § 2601, et seq.; and the New York State Human Rights Law ("NYSHRL"), New York State Executive Law § 290, et seq.

Relief Demanded: An order pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 12(b)(6) dismissing the Plaintiff Robert A. Watzka's Complaint ("Plaintiff") with prejudice and on the merits for a failure to state a claim upon which relief can be granted, together with such other and further relief as the Court may deem just and proper.

Answering papers: Pursuant to the Court's Order dated _____, a response to this motion must be served on January 17, 2025, Reply papers must be filed on February 4, 2025.

Dated: Poughkeepsie, New York
December 16, 2024

YOUNGWIRTH LAW PLLC

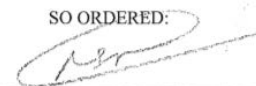
s/Brooke Youngwirth

Brooke D. Youngwirth (BDY1210)
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In light of Plaintiff filing an Amended Complaint, the motion is denied as moot. The Clerk of Court is kindly directed to terminate the motion at ECF No. 13.

Dated: April 10, 2025
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge